

## **MITIGATED NEGATIVE DECLARATION**

June 5, 2008

Project Name: Butts TPM

Project Number(s): TPM 20948; Log No. 05-02-021

### **This Document is Considered Draft Until it is Adopted by the Appropriate County of San Diego Decision-Making Body.**

This Mitigated Negative Declaration is comprised of this form along with the Environmental Initial Study that includes the following:

- a. Initial Study Form
  - b. Environmental Analysis Form and attached extended studies for a Stormwater Management Plan and a Drainage Study.
1. California Environmental Quality Act Mitigated Negative Declaration Findings:

Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project as revised will have a significant effect on the environment.
2. Required Mitigation Measures:

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

  - A. TRANSPORTATION
    1. The payment of the Transportation Impact Fee, which will be required at issuance of building permits, in combination with other components of this program, will mitigate potential cumulative traffic impacts to less than significant.

## B. DRAINAGE

1. An increased flow for the 100 year storm will cause the drainage to the north to flow along Street "A" to Alvarado Street and then westerly along Alvarado Street. The increase flow will be mitigated by proposed bio filters along the east and west side of the proposed access road (Street "A") and next to the cul-de-sac east and west side.

### 3. Critical Project Design Elements That Must Become Conditions of Approval:

The following project design elements were either proposed in the project application or are the result of compliance with specific environmental laws and regulations and were essential in reaching the conclusions within the attached Environmental Initial Study. While the following are not technically mitigation measures, their implementation must be assured to avoid potentially significant environmental effects.

#### A. THE FOLLOWING CONDITIONS SHALL BE COMPLIED WITH BEFORE A PARCEL MAP IS APPROVED BY THE DEPARTMENT OF PUBLIC WORKS AND FILED WITH THE COUNTY RECORDER OF SAN DIEGO COUNTY:

1. THE PARCEL MAP SHALL SHOW AN ACCURATE AND DETAILED VICINITY MAP.
2. SIGHT DISTANCE [DPW]
  - a. Have a registered civil engineer, a registered traffic engineer, or a licensed land surveyor provide a signed statement that, "Physically, there is a minimum adequate unobstructed sight distance in both directions along E. Alvarado Street from Street A, for the prevailing operating speed of traffic on E. Alvarado Street, per Section 6.1.E of the County Public Road Standards (approved July 14, 1999)." If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify: "Said lines of sight fall within the existing right-of-way and a clear space easement is not required." These certifications shall be to the satisfaction of the Director of Public Works.
3. AIRPORTS [DPW]

- a. The applicant shall dedicate an Avigational (Avigation) Easement over all parcels of the tentative parcel map to the satisfaction of the Department of Public Works.

4. PRIVATE ROAD EASEMENTS [DPW][FIRE]

- a. The Parcel Map shall show a forty-four foot (44') minimum radius cul-de-sac located at the terminus of the proposed access road, to the satisfaction of the North County Fire Protection District and the Director of Public Works. [FIRE]
- b. The Parcel Map shall show a minimum forty-foot (40') private road easement along and within centered on each side of the ultimate centerline for that portion within the boundary of the land division, from the proposed cul-de-sac northerly to Alvarado Street.
- c. The proposed private easement road shall intersect with Alvarado Street within twenty degrees of perpendicular.

5. ROAD DEDICATIONS [DPW]

- a. Offer to dedicate the right-of-way required to complete a thirty-foot (30') wide, one-half right-of-way width along the project frontage, plus the right to construct and maintain slopes and drainage improvements as required beyond the thirty-foot (30') limit for that portion within the land division for Alvarado Street, including twenty-foot (20') radius property line corner roundings for the onsite portions at the street intersection where applicable to the satisfaction of the Director of Public Works. The Parcel Map shall be prepared to show the offer being accepted.
- b. Grant an Irrevocable Offer of Dedication for real property for public highway required to complete a thirty-foot (30') wide, one-half right-of-way width on each side of the ultimate centerline [minimum centerline radius feet (700')], plus the right to construct and maintain slopes and drainage improvements as required beyond the thirty-foot (30') limit for that portion within the land division for Alvarado Street (SC10), including twenty-foot (20') radius property line corner roundings for the onsite portions at the street intersection where applicable to the satisfaction of the Director of Public Works.

- c. Grant an Irrevocable Offer of Dedication for real property for public highway required to complete a fifty-two-foot (52') wide right-of-way width from the southerly boundary of the project northerly to Alvarado Street on each side of the ultimate centerline, plus the right to construct and maintain slopes and drainage improvements as required beyond the fifty-two foot (52') limit for that portion within the land division, including twenty-foot (20') radius property line corner roundings for the onsite portions at the street intersection where applicable to the satisfaction of the Director of Public Works.
- d. Any offer of dedication or grant of right-of-way shall be free of any burden or encumbrances which would interfere with the purposes for which the dedication or offer of dedication is required, per Section 81.705 (a) of the County Code, at the time of recordation of the Parcel Map.

6. CIRCULATION ELEMENT ROADS [DPW]

- a. Prior to preparation of the Parcel Map, contact the Department of Public Works to determine the desired location of the centerline for E. Alvarado Street (SC10), which is shown on the Circulation Element of the County General Plan as a Light Collector Road. The following shall be shown on the Parcel Map:
  - (1) The centerline location as approved by the County of San Diego, Department of Public Works.
  - (2) The width of the right-of-way which is thirty feet (30') from the centerline and identified by a line drawn at the appropriate location and labeled, "Limit of Proposed Street Widening."
  - (3) A building line which is fifty feet (50') from the centerline of the road and identified by a line drawn at the appropriate location and labeled, "Limit of Building Line."
  - (4) Show the ultimate drainage and slope limits on the Parcel Map. A profile and cross-section sufficient to verify these limits shall be submitted to the County of San Diego, Department of Public Works, for review and approval.

7. SPECIAL DISTRICTS/ROAD MAINTENANCE/COVENANTS/  
DEVELOPMENT IMPACT FEES [DPW]

- a. The subdivider shall authorize special districts to process the project into the San Diego County Street Lighting District. After recordation of the Parcel Map, the land division shall be transferred, without notice or hearing, to Zone "A" of the San Diego County Street Lighting District to maintain existing street lights.
- b. The subdivider shall provide for maintenance of the on-site and off-site private street that serves the project through private road maintenance agreements.

8. FACILITY/UTILITY ARRANGEMENTS [DPW] [DPLU]

- a. Where private easement roads are not being dedicated, or where each of the proposed parcels is not on a public street, the subdivider shall provide the County of San Diego, Director of Public Works, with letters from serving utility companies stating that arrangements satisfactory to the utility have been made to serve all parcels being created. No letter will be required from the following: AT&T, Olivenhain Municipal Water District, Yucca Mutual Water Company, and Rainbow Municipal Water District. [DPW]
- b. The subdivider shall comply with Section 66436 of the Government Code by furnishing to the County of San Diego, Department of Public Works, a certification from each public utility and each public entity owning easements within the proposed land division stating that: (a) they have received from the subdivider a copy of the proposed Parcel Map; (b) they object or do not object to the filing of the Map without their signature. [DPW]
- c. Prior to recordation of the Parcel Map, approval of improvement and/or grading plans, issuance of excavation permits, and issuance of any further grant of approval, the owners of this project will be required to sign a statement that they are aware of the County of San Diego, Department of Public Works, Pavement Cut Policy and that they have contacted all adjacent property owners and solicited their participation in the extension of utilities.
- d. Prior to recordation of the Parcel Map, the subdivider shall obtain a commitment to provide water service for each parcel from the Fallbrook Public Utility District.

- e. Prior to recordation of the Parcel Map, the subdivider shall obtain a commitment to provide sewer service for each parcel from the Fallbrook Public Utility District.
- B. BECAUSE THEY HAVE BEEN FOUND NECESSARY FOR THE PUBLIC HEALTH AND SAFETY AND ARE A NECESSARY PREREQUISITE TO THE ORDERLY DEVELOPMENT OF THE AREA, THE FOLLOWING PUBLIC IMPROVEMENTS MUST BE COMPLETED OR A SECURED AGREEMENT EXECUTED PRIOR TO RECORDING A PARCEL MAP. THE AGREEMENT REQUIRES POSTING OF SECURITY IN FORM OF A CASH DEPOSIT, IRREVOCABLE LETTER OF CREDIT OR AN INSTRUMENT OF CREDIT VALUED AT, OR MORE THAN, THE ESTIMATED IMPROVEMENT COST. IT ALSO REQUIRES IMPROVEMENTS BE COMPLETED WITHIN TWENTY-FOUR (24) MONTHS FROM THE DATE OF RECORDING THE PARCEL MAP OR PRIOR TO THE ISSUANCE OF A PERMIT OR OTHER GRANT OF APPROVAL FOR THE DEVELOPMENT OF A PARCEL CREATED BY THIS MAP, WHICHEVER COMES FIRST UNLESS OTHERWISE NOTED. NOTE: THE PROCESSING OF SECURITY TAKES APPROXIMATELY TWO (2) MONTHS. YOU SHOULD INITIATE THIS PROCESS TWO (2) MONTHS PRIOR TO RECORDING THE PARCEL MAP. [DPW] [DPLU]
- 1. PUBLIC ROAD IMPROVEMENTS [DPW]
    - a. E Alvarado Street, along the project frontage, shall be improved in accordance with Public Road Standards for a Residential Collector to a one-half graded width of thirty feet (30') with twenty feet (20') of asphalt concrete pavement over approved base to the satisfaction of the Director of Public Works.
    - b. All new and existing utility distribution facilities, including cable television lines, shall be placed underground. All utility installations shall be completed before surfacing the streets and installing concrete curbs, gutters, and sidewalks. The above shall be to the satisfaction of the Director of Public Works.
    - c. The exact depth of improved base material shall be based on soil tests approved by the County of San Diego, Director of Public Works.
    - d. Install all street name signs.
    - e. A construction permit shall be obtained for the work within the right-of-way.

- f. Plans for public road improvements shall be prepared by a registered civil engineer and submitted to the County of San Diego, Director of Public Works. The following items shall also apply:
  - (1) Street alignment and grade, including the change of any existing or proposed street alignment and grade, shall be as required by the County of San Diego, Director of Public Works.
  - (2) Sight distance at all intersections shall conform to the intersectional sight distance criteria as provided by the County of San Diego Public Road Standards.
  - (3) Plans and specifications for the improvement of all streets, rights-of-way, drainage easements and all culverts, drainage channels and all private easements shall meet with the approval of the County of San Diego, Director of Public Works.
- g. The County Engineer will assign a road survey number to the off-site public roads being created. The subdivider shall show the centerline monumentation set, right-of-way lines and ties to adjacent property on the Parcel Map or file with the County Recorder a Record of Survey, after approval by the County Engineer.

C. THE FOLLOWING IMPROVEMENTS MAY BE COMPLETED PRIOR TO RECORDING OF A PARCEL MAP OR THEY MUST BE LISTED ON THE PARCEL MAP AND THE SUBDIVIDER SHALL EXECUTE A "COVENANT OF IMPROVEMENT REQUIREMENTS" WHICH SHALL LIST THE CONDITIONS THAT REMAIN TO BE COMPLETED. THE COVENANT SHALL BE RECORDED BY THE DEPARTMENT OF PUBLIC WORKS PRIOR TO RECORDING THE PARCEL MAP. THE COVENANT SHALL BE NOTED ON THE PARCEL MAP.

(IMPROVEMENT PLANS AND COST ESTIMATES ARE NOT DEFERRABLE)  
THE COVENANT OF IMPROVEMENT REQUIREMENTS SHALL NOTE THE ESTIMATE OF COST TO INSTALL AND/OR CONSTRUCT ANY DEFERRED IMPROVEMENTS. THE ESTIMATE OF COST SHALL BE BASED UPON IMPROVEMENT PLANS. THE PLANS SHALL INCLUDE A SIGNED STATEMENT BY THE PRIVATE ENGINEER-OF-WORK STATING THAT THE PLANS ARE SUFFICIENT FOR THE PURPOSE OF PROVIDING THE REQUIRED ESTIMATE OF THE COST FOR THE PRIVATE EASEMENT

ROADS AND PRIVATE FACILITIES. THE ESTIMATE SHALL HAVE THE ENGINEER'S SIGNATURE AND STAMP ON THE FRONT PAGE ALONG WITH A STATEMENT THAT IT IS THE ENGINEER'S ESTIMATE OF THE APPROXIMATE COST AS OF THE DATE THE ESTIMATE WAS PREPARED FOR THE PRIVATE ROAD AND FACILITIES REQUIRED BY THE FINAL NOTICE OF APPROVAL AND THE SAN DIEGO COUNTY STANDARDS FOR PRIVATE STREETS. SAID COVENANT SHALL BE TITLED "COVENANT OF IMPROVEMENT REQUIREMENT, A BUILDING PERMIT PROHIBITION". IF THE COVENANT HAS BEEN RECORDED, NO BUILDING PERMIT, AND NO FURTHER GRANT OF APPROVAL FOR DEVELOPMENT MAY BE ISSUED UNTIL THE SUBDIVIDER PRESENTS A COPY OF THE RELEASE OF IMPROVEMENT REQUIREMENTS RECORDED BY THE DEPARTMENT OF PUBLIC WORKS, STATING THAT ALL OF THE REQUIRED IMPROVEMENTS LISTED IN THE COVENANT OF IMPROVEMENT REQUIREMENTS AND NOTED ON THE PARCEL MAP HAVE BEEN COMPLIED WITH, EXCEPT A GRADING OR CONSTRUCTION PERMIT AND/OR A PERMIT TO INSTALL UTILITIES WITHIN THE PRIVATE EASEMENT, MAY BE ISSUED. (NOTE: FOR WATER STORAGE FACILITIES AND/OR FUELBREAKS, A RELEASE OF IMPROVEMENT REQUIREMENTS IS ONLY REQUIRED TO STATE THAT THE IMPROVEMENTS HAVE BEEN COMPLIED WITH FOR THE PARTICULAR PARCEL FOR WHICH A BUILDING PERMIT IS BEING REQUESTED.) [DPW] [DPLU]

1. PRIVATE ROAD IMPROVEMENTS [DPW] [FIRE]

- a. The cul-de-sac shall be graded to a radius of forty-four feet (44') and improved with asphalt concrete to a radius of forty-two feet (42'), to the satisfaction of the North County Fire Protection District and the Director of Public Works. [FIRE]
- b. The private easement road, from the proposed cul-de-sac northerly to E Alvarado Street, shall be graded forty feet (40') wide and improved thirty-six feet (36') wide with asphalt concrete. The Improvement and Design Standards of Section 3.1(B) of the County Standards for Private Streets for seven hundred fifty (750) trips or less shall apply to the satisfaction of the North County Fire Protection District and the Director of Public Works.
- c. Plans and a processing deposit for the private road improvements, as determined by the County of San Diego, Department of Public Works, shall be submitted to the Improvements and Grading Group of the County of San Diego, Department of Public Works. All



improvement plans shall be designed in accordance with County Standards for Private Streets.

- d. Prior to construction of private road improvements, the subdivider shall notify the County of San Diego, Department of Public Works, submit copies of the blueline plans, and post an inspection deposit.
- e. A registered civil engineer or a licensed land surveyor shall provide a signed statement that: "The private easement road, E Alvarado Street, including all slopes and the cul-de-sac, from the proposed cul-de-sac northerly to E. Alvarado Street, is are constructed entirely within the easement, including drainage structures, for the benefit of the land division." NOTE: If the slopes for the improvement fall outside of the easement, mitigating structures shall be utilized so the improvement is within the easement or slope rights/a letter of permission shall be obtained/granted and the engineer or surveyor shall further certify that: "Slope rights/a letter of permission has been obtained/granted for work outside of the easement limits."
- f. The structural section, for the private road shall be approved by the County of San Diego, Department of Public Works Materials Laboratory, prior to construction per Section 3.11 of the San Diego County Standards for Private Streets.
- g. Asphalt concrete surfacing material shall be hand-raked and compacted to form smooth tapered connections along all edges including those edges adjacent to soil. The edges of asphalt concrete shall be hand-raked at 45 degrees or flatter, so as to provide a smooth transition next to existing soil, including those areas scheduled for shoulder backing. The above shall be done to the satisfaction of the Director of Public Works.
- h. A permit shall be obtained from the County of San Diego, Department of Public Works for the improvements to be made within the public right-of-way. The connection of the private easement road to the County road will have to match the construction of the public road. A copy of the permit, proof of payment, and evidence that all the requirements of the permit have been met, shall be submitted to the Land Development Counter Services of the County of San Diego, Department of Public Works.

2. FACILITY/UTILITY IMPROVEMENTS [DPLU]

- a. The subdivider shall install a minimum water supply pipe to serve this minor subdivision in accordance with the standards of the Fallbrook Public Utility District.
- b. Two (2) fire hydrants, together with an adequate water supply, shall be installed in accordance with the specifications of the North County Fire Protection District and San Diego County standards in the vicinity of the northwest corner of street "A" and Alvarado Street and prior to the radius of the proposed cul-de-sac. On paved roads, a "blue dot" marker shall be installed in the pavement to indicate the location of the fire hydrants.

Design of water supply, type, and location of fire hydrants must be submitted to the North County Fire Protection District for approval prior to the issuance of a building permit for any parcel created by this subdivision.

3. OTHER REQUIREMENTS [DPLU]

- a. The Basis of Bearings for the Parcel Map shall be in terms of the California Coordinate System Zone 6 NORTH AMERICAN DATUM OF 1983 by use of existing Horizontal Control. **To be in compliance with the Public Resources Code, all Parcel Map surveys performed after January 1, 2000 must use a Basis of Bearings established from existing Horizontal Control Stations with first order accuracy.**
- b. Prior to January 1, 2000, a survey for any Parcel Map that is to be based on state plane coordinates shall show two measured ties from the boundary of the subject property to existing Horizontal Control station(s) having California coordinate values of Third order accuracy or better, as published in the County of San Diego's Horizontal Control book. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e. Grid bearings and Grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of Ground-to-Grid distances shall be shown on the map, all to the satisfaction of the County of San Diego, Director of Public Works (Refer to San Diego County Subdivision Ordinance Section 81.811 and 81.506(j)).

After December 31, 1999, a survey for any Parcel Map that is to be based on state plane coordinates shall show two measured ties from the boundary of the subject property to existing Horizontal Control station(s) having California Coordinate values of first order accuracy or better, as published in the County of San Diego's Horizontal Control book. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e. Grid bearings and Grid distances). All other distances shown on the map are to be shown as Ground distances. A combined factor for conversion of Grid-to-Ground distances shall be shown on the map.

For purposes of this section, the date of survey for the field observed connections shall be the date of survey as indicated in the surveyor's/engineer's certificate as shown on the final map.

- c. Comply with all applicable stormwater regulations at all times. The activities proposed under this application are subject to enforcement under permits from the San Diego Regional Water Quality Control Board (RWQCB) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (Ordinance No. 9424 and Ordinance No. 9426) and all other applicable ordinances and standards. This includes requirements for materials and wastes control, erosion control, and sediment control on the project site. Projects that involve areas 1 acre or greater require that the property owner keep additional and updated information onsite concerning stormwater runoff. This requirement shall be to the satisfaction of the Director of Public Works.

D. OTHER REQUIREMENTS [DPW] [DPLU]

- a. The following note shall appear on the Parcel Map:

All parcels within this subdivision have a minimum of 100 square feet of solar access for each future dwelling unit allowed by this subdivision as required by Section 81.401(m) of the Subdivision Ordinance.

- b. At the time of recordation of the Parcel Map, the name of the person authorizing the map and whose name appears on the SURVEYOR'S CERTIFICATE as the person who requested the map, shall be the name of the owner of the subject property.
- c. Prior to the approval of the Parcel Map by the Department of Public Works, the subdivider shall provide the Department of Public Works with a

copy of the deed by which the subject property was acquired and a Parcel Map report from a qualified title insurance company.

- d. Zoning regulations require that each parcel shall contain a minimum net area of 6,000 square-feet. If, as a result of survey calculations, required easements, or for any other reason, the area of any parcel shown on this Tentative Parcel Map is determined by the Department of Public Works to be below the zoning minimum, it becomes the responsibility of the subdivider to meet zoning requirements by lot redesign, or other applicable technique. The subdivider shall comply with the zoning area requirements in full before the Department of Public Works may file a Parcel Map with the County Recorder.
- e. The public and private easement roads serving this project shall be named.

Prior to preparation of the Parcel Map, the responsible party shall contact the Street Address Section of the Department of Planning and Land Use (858-694-3797) to discuss the road naming requirements for the development. Naming of the roads is necessary for the health and safety of present and future residents.

- f. The following note shall appear on the Parcel Map:

This subdivision includes a designated remainder parcel, which is not being created for purposes of sale, lease or financing. Prior to sale, lease or financing of the designated remainder parcel, a Certificate of Compliance or Conditional Certificate of Compliance must be obtained from the Department of Planning and Land Use and must be recorded. Additional improvements, exactions or other requirements may be imposed as a condition of approval of such a Conditional Certificate of Compliance.”

E. WAIVER AND EXCEPTIONS [DPW] [DPLU]

- a. This subdivision is hereby approved pursuant to the provisions of the State Subdivision Map Act, the County of San Diego Subdivision Ordinance, the County of San Diego Public and Private Road Standards and all other required ordinances of San Diego County except for a waiver or modification of County of San Diego Subdivision Ordinance, Section 81.703(a)(1), to dedicate and improve streets in accordance with San Diego County Standards. This modification is granted because of the following reasons:

1. There are no curbs, gutters, sidewalks, or road widening improvements in the immediate vicinity and widening the road to ultimate width would be inconsistent with the existing roads in the area.
  - i. Spot improvements would be undesirable because of:
    - (a) Road transitional problems;
    - (b) Drainage pickup and discharge (no continuity);  
and
    - (c) Utility relocation problems.

(This refers to E Alvarado Street)

**ADOPTION STATEMENT:** This Mitigated Negative Declaration was adopted and above California Environmental Quality Act findings made by the:

\_\_\_\_\_  
on \_\_\_\_\_

Rosemary Rowan, Planning Manager  
Regulatory Planning Division

RR:AL